

## **CITY OF ALAMEDA**

### **Memorandum**

To: Honorable Mayor and  
Members of the City Council

From: John A. Russo  
City Manager

Date: February 21, 2012

Re: Adopt a Resolution to "Opt-Out" of the Alameda County Waste  
Management Authority (ACWMA) Ordinance Prohibiting the Use of Free  
Single-Use Carry-Out Bags to Allow Additional Time for Public Outreach;  
and Reject a Resolution to "Opt-Out" of the ACWMA Ordinance Relating  
to Mandatory Recycling for Certain Commercial Businesses, Multi-Family  
Properties With at Least Five Units, and Self-Haulers

### **BACKGROUND**

Assembly Bill 32, the California Global Warming Solutions Act of 2006 (AB 32), mandates that California reduce its green house gas (GHG) emissions to 1990 levels by 2020 and directs the Air Resources Board (ARB) to work with all agencies to accomplish the GHG reduction goals. To determine the programs that the City of Alameda would need to implement to meet these GHG reductions goals, the City Council, in February 2008, approved the City's Local Action Plan (LAP) for Climate Protection. The LAP identified the preparation of a Zero Waste Implementation Plan as a high priority because solid waste is a major contributor to GHG emissions.

On October 19, 2010, the City Council adopted a Zero Waste Implementation Plan, which identified both the mandatory recycling and single-use plastic bag ban as programs for implementation. According to the Zero Waste Implementation Plan, mandatory recycling for commercial and multi-family properties is to be implemented in 2012, and consideration of products bans such as single-use bags is identified for 2014.

On January 25, 2012, the ACWMA approved a single-use bag reduction ordinance, which bans the use of single-use plastic carryout bags as of January 1, 2013. In addition, ACWMA approved an ordinance requiring mandatory commercial recycling by businesses and multi-family properties. The County's mandatory commercial recycling ordinance is consistent with requirements recently adopted by the State of California. Both the County ordinance and the State regulations require multi-family buildings of five units and more and businesses that generate four cubic yards or more of solid waste per week to recycle by July 1, 2012. The County's ordinances allow local jurisdictions to opt out of either requirement by March 2, 2012.

**City Council  
Agenda Item #6-F  
02-21-12**

## DISCUSSION

### Single-Use Bags:

The ACWMA-approved single-use bag reduction ordinance bans the use of single-use plastic carryout bags as of January 1, 2013. Recycled content paper bags or reuseable bags may be provided, but only if the retailer charges a minimum price of \$0.10 for each bag. The \$0.10 price will increase to \$0.25 per bag on January 1, 2015, unless the ACWMA determines this increase is not necessary to sufficiently discourage single-use bag use. This requirement applies to drug stores, large stores selling packaged food, pharmacies, supermarkets, grocery stores, convenience food stores, and liquor stores. Restaurants, take-out food establishments, retail stores that do not sell packaged food, and charitable thrift stores do not have to comply. This ordinance applies to all Alameda County jurisdictions, unless an individual jurisdiction passes a resolution to “opt-out” of the ordinance by March 2, 2012.

According to the ACWMA, the single-use bag ordinance “will reduce the number of bags going to landfill and decrease the problems caused by plastic bags at recycling processing centers and landfills.” In addition, the plastic bag ban is intended to improve litter control and reduce environmentally-harmful trash in storm drains and waterways. Based on 2008 data, plastic bags comprised 9.6 percent of litter collected during coastal cleanup days in Alameda County. In the Bay Area, San Francisco, San Jose, Sunnyvale, Palo Alto, Millbrae, and Fairfax have adopted single-use bag bans. In addition, beach communities such as Santa Monica, Monterey, Malibu, Manhattan Beach, and Long Beach have also implemented bans.

Since Alameda is an island community with a flat topography, the removal of plastic bags from the waste stream is expected to benefit the community as it will reduce litter along the shoreline and improve the storm drainage system. In addition, the City has successfully prohibited the use of polystyrene foam food service ware since July 1, 2008 with no community opposition. However, unlike the public outreach conducted by staff for the mandatory recycling requirements discussed later in this report, staff has not had an opportunity to hold community meetings to gauge the public’s support for the single-use bag ordinance.

Since staff has not had the opportunity to inform residents and businesses of the requirements and elicit feedback on the potential impacts of applying these requirements within the city, staff proposes that the City Council consider adopting a resolution to “opt-out” of the single-use bag reduction ordinance at this time. In accordance with the County’s ordinance, the City may, by resolution, be re-included in the coverage of the ordinance at any subsequent time, subject to ACWMA’s written acceptance. Over the next couple of months staff will hold community meetings to elicit

public input. Should there be community support to adopt a single-use bag ban, staff will return to the City Council with a separate resolution to “opt-in” to the County requirements. Alternately, the City Council could determine that it is acceptable to implement this ban now, in which case the resolution to “opt-out” of the County ordinance should not be adopted.

*Mandatory Recycling – Commercial and Multi-Family:*

Both the State and County have adopted mandatory recycling requirements. According to the State requirement, local jurisdictions are to notify businesses and multi-family properties of the mandatory recycling requirement, monitor compliance, and notify those out of compliance. The law does not specify which materials shall be recycled or specify how enforcement shall be done. The County’s requirement expands the State requirements by: specifying which materials should be recycled (paper, cardboard, and beverage and food containers initially, with organic materials added in 2014); requiring businesses and multi-family properties to subscribe to service adequate to recycle the total amount of specific recyclable materials generated; defining how enforcement will be done; and requiring all businesses, as a Phase 2, to recycle by July 1, 2014. This ordinance applies to all Alameda County jurisdictions, unless an individual jurisdiction passes a resolution to “opt-out” of the ordinance by March 2, 2012 for Phase 1 and by January 1, 2014 for Phase 2.

As part of the City Council’s approval of the Zero Waste Implementation Plan, staff was directed to obtain feedback on whether the mandatory recycling requirements should be phased in over time or completely implemented by 2012. Staff held numerous meetings in 2011 to introduce the concept of mandatory commercial recycling and the proposed timing for implementation. These include: community meetings on May 26, May 31, and morning and evening meetings on October 12 and October 19; presentations to the Park Street Business Association (PSBA) Board on April 27, the Greater Alameda Business Association (GABA) on June 6, and the Chamber of Commerce on July 6; and a May 14 e-mail survey of West Alameda Business Association (WABA) members, at WABA’s request. Prior to these public outreach efforts, staff sent mailers to all businesses and multi-family property owners (five or more units) and issued a press release to notify the public of the community meetings. In addition, based on feedback from an earlier community meeting, staff mailed multiple language fliers announcing the four October meetings to ensure that all commercial property owners were aware of the meetings and had an opportunity to ask questions and provide feedback on implementation impacts and concerns.

Based on the comments received at these meetings, there is general support for implementing a mandatory commercial and multi-family recycling program. However, respondents questioned whether Alameda County Industries (ACI) is prepared to

implement mandatory recycling for all commercial businesses by 2012 and raised concerns about the potential impact to rates.

Staff has contacted ACI to obtain information regarding its ability to service all multi-family properties and businesses with four cubic yards or more of municipal solid waste with its existing staff and equipment, and to identify potential impacts to the existing collection rates associated with implementing the new requirements. ACI has indicated that most multi-family properties and businesses with four cubic yards or more of municipal solid waste already recycle, so it does not anticipate any increase to collection rates with this first phase of mandatory recycling. However, ACI cautions that the second phase of mandatory recycling, which adds organics and extends to all businesses in 2014, has the potential to increase commercial rates to support the mandatory recycling programs and ensure the franchise hauler receives sufficient revenues to cover its costs.

Since the Zero Waste Implementation Plan approved by the City Council anticipated implementation of mandatory recycling in 2012; recycling was identified in the LAP as an effective means to significantly reduce greenhouse gas emissions; the public outreach did not identify any major opposition to the requirements; and ACI has indicated that it has the existing staff and equipment to handle the new requirement without any anticipated increase to the collection rates; staff proposes that the City move forward with mandatory recycling and not "opt-out" of the County program. In addition, under the County ordinance, ACWMA will provide the public outreach, education, and monitoring to affected properties required by the State, as well as supply local jurisdictions with the data needed to meet the State reporting requirements, thereby decreasing the City's costs for meeting these new requirements. However, should the City Council decide it is premature to implement this mandatory requirement, staff has prepared a draft resolution to "opt-out" of the mandatory program. The City will still be required to provide outreach, education, monitoring, and to report its education, outreach, and monitoring findings to State regulators beginning with the 2013 annual report. In addition, businesses and multi-family properties will still be required to recycle. In accordance with the Ordinance, the City may, by resolution, be re-included in the coverage of the Ordinance at any subsequent time, subject to ACWMA's written acceptance.

#### FINANCIAL IMPACT

There is no impact to the General Fund. While ACI does not anticipate an impact to collection rates initially with this new requirement, there is a potential for commercial rates to increase in future years to support the mandatory recycling program and ensure the franchise hauler receives sufficient revenues to cover its costs.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action is consistent with the City of Alameda Local Action Plan for Climate Protection and the Zero Waste Implementation Plan. This action does not affect the Municipal Code.

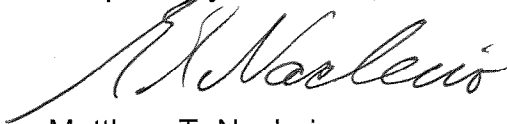
ENVIRONMENTAL REVIEW

In accordance with California Environmental Quality Act (CEQA), these actions are Categorically Exempt under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Furthermore, ACWMA has prepared the Mandatory Recycling and Single Use Bag Reduction Ordinances Environmental Impact Report in accordance with CEQA and certified the EIR in relation to both programs.

RECOMMENDATION

Adopt a resolution to "opt-out" of the Alameda County Waste Management Authority (ACWMA) ordinance prohibiting the use of free single-use carry-out bags to allow additional time for public outreach; and reject a resolution to "opt-out" of the ACWMA ordinance relating to mandatory recycling for certain commercial businesses, multi-family properties with at least five units, and self-haulers.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

Approved as to funds and account,



Fred Marsh  
Controller

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

CITY OF ALAMEDA DECISION TO EXCLUDE ITS SERVICE AREA  
FROM THE ALAMEDA COUNTY WASTE MANAGEMENT  
AUTHORITY ORDINANCE TO REGULATE THE USE OF  
CARRYOUT BAGS AND  
PROMOTE THE USE OF REUSEABLE BAGS

WHEREAS, on January 25, 2012, the Alameda County Waste Management Authority (ACWMA) approved Ordinance 2012-2 regulating free single-use carryout bags; and

WHEREAS, the Ordinance allows a "Member Agency" to Opt-Out of the requirements by a resolution of its governing body prior to March 2, 2012; and

WHEREAS, the Ordinance allows a "Member Agency," by a resolution of its governing body, to be included in the coverage of the Ordinance at any subsequent time, subject to ACWMA's written acceptance; and

WHEREAS, the City of Alameda is a "Member Agency, as defined by the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda, that the City of Alameda hereby chooses to exclude its service area from the requirements of Ordinance 2012-2.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21st day of February 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of February 2012.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

**Resolution #6-F  
02-21-12**

Approved as to Form

City Attorney

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

CITY OF ALAMEDA DECISION TO EXCLUDE ITS SERVICE AREA  
FROM THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
ORDINANCE REQUIRING MANDATORY ACTIONS TO REDUCE LANDFILLING  
OF RECYCLABLE AND ORGANIC SOLID WASTES FROM BUSINESSES,  
MULTI-FAMILY RESIDENCES, AND SELF-HAULERS

WHEREAS, on January 25, 2012, the Alameda County Waste Management Authority (ACWMA) approved Ordinance 2012-1 requiring mandatory commercial recycling for businesses, multifamily properties and self-haulers; and

WHEREAS, the Ordinance allows a "Member Agency" to Opt-Out of the requirements by a resolution of its governing body prior to March 2, 2012; and

WHEREAS, the Ordinance allows a "Member Agency," by a resolution of its governing body, to be included in the coverage of the Ordinance at any subsequent time, subject to ACWMA's written acceptance; and

WHEREAS, the City of Alameda is a "Member Agency, as defined by the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda, that the City of Alameda hereby chooses to exclude its service area from the requirements of Ordinance 2012-1.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21st day of February 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of February 2012.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

**Resolution #6-F  
02-21-12**

Approved as to Form

City Attorney